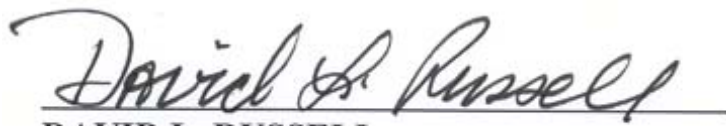




The basis for the Utility Intervenor's request is that the current litigation challenges Nationwide Permit 12, issued by the United States Corps of Engineers, and that any Court order affecting that Permit could significantly impact them. The Court hereby GRANTS the motion to intervene. However the Utility Intervenor's participation is limited to facilitate the conducting of these proceedings. Counsel for Defendants and counsel for both TransCanada Intervenor and Utility Intervenor must CONFER before filing any motion, responsive filing or brief to determine whether their positions may be set forth in a consolidated manner. Intervenor, to include TransCanada Intervenor, may file separate motions, responsive filings or briefs only to raise arguments or issues Defendants decline to include in their filings. Any separate filings must include a Certificate of Compliance with the conference requirement and a statement that the issues raised are not adequately covered by Defendants' position or that of another intervenor.

IT IS SO ORDERED this 1<sup>st</sup> day of August, 2012.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE